



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-fourth Meeting Day

Wednesday Morning

March 1, 2006

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Earl L. Harris.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch ☐
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz ☐
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown ☐	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum ☐
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo ☐	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell ☐	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 307: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 22

Representative Wolkins called down Engrossed Senate Bill 22 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 308: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 86

Representative Messer called down Engrossed Senate Bill 86 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 309: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 112

Representative Woodruff called down Engrossed Senate Bill 112 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 310: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 132

Representative Budak called down Engrossed Senate Bill 132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 311: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 146

Representative Wolkins called down Engrossed Senate Bill 146 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 312: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 147

Representative Ripley called down Engrossed Senate Bill 147 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 313: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 148

Representative Heim called down Engrossed Senate Bill 148 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 314: yeas 55, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 151

Representative Turner called down Engrossed Senate Bill 151 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 315: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 153

Representative Richardson called down Engrossed Senate Bill 153 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 153 be made a special order of business for March 1, 2006, at 4:00 p.m.

BAUER

Motion prevailed.

Representatives Koch and J. Lutz, who had been excused, were present.

Engrossed Senate Bill 154

Representative Heim called down Engrossed Senate Bill 154 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? On the motion of Representative Whetstone the previous question was called.

Roll Call 316: yeas 63, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 157

Representative Hoffman called down Engrossed Senate Bill 157 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 157-2)

Mr. Speaker: I move that Engrossed Senate Bill 157 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 3, line 42, after "]" insert "THE FOLLOWING ARE REPEALED: IC 14-33-5-0.5;".

Page 3, line 42, delete "IS".

Page 4, line 1, delete "REPEALED.".

(Reference is to ESB 157 as reprinted February 22, 2006.)

HOFFMAN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 157, begs leave to report that said bill has been amended as directed.

HOFFMAN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 317: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 160

Representative Ulmer called down Engrossed Senate Bill 160 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 318: yeas 82, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:30 p.m. with the Speaker Pro Tempore, Representative Turner in the Chair.

Representatives Denbo and Pflum, who had been excused, were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 6 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Steele, Chair; and Mrvan
 Advisors: Long and Bowser

MARY C. MENDEL
 Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 41 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Sipes

MARY C. MENDEL
 Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 83 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Lubbers, Chair; and Lanane
 Advisors: Wyss and Bowser

MARY C. MENDEL
 Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 60 and the same is herewith returned to the House.

MARY C. MENDEL
 Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 161

Representative T. Brown called down Engrossed Senate Bill 161 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 319: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 168

Representative Foley called down Engrossed Senate Bill 168 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the attorney general.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 320: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 169

Representative T. Brown called down Engrossed Senate Bill 169 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 321: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 172

Representative Behning called down Engrossed Senate Bill 172 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
 (Amendment 172-1)

Mr. Speaker: I move that Engrossed Senate Bill 172 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, after line 30, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding P.L.246-2005, SECTION 9, Subsection B, the appropriations made FOR THE DEPARTMENT OF EDUCATION, PROFESSIONAL STANDARDS DIVISION, for FY 2005-2006 and FY 2006-2007, may be used to pay stipends for mentor teachers.**

(b) **This SECTION expires July 1, 2007.**

SECTION 4. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 172 as printed February 14, 2006.)

BEHNING

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 172, begs leave to report that said bill has been amended as directed.

BEHNING

Report adopted.

The question then was, Shall the bill pass?

Roll Call 322: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

SPECIAL ORDER OF BUSINESS

Engrossed Senate Bill 153

With consent of the House, the Chair handed down for third reading Engrossed Senate Bill 153, sponsored by Representative Richardson, which had been made a special order of business.

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 323: yeas 91, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 173

Representative Behning called down Engrossed Senate Bill 173 for third reading:

A BILL FOR AN ACT concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 324: yeas 94, nays 1. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 191

Representative Ruppel called down Engrossed Senate Bill 191 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 325: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 192

Representative Foley called down Engrossed Senate Bill 192 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 326: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 193

Representative Foley called down Engrossed Senate Bill 193 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 327: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 201

Representative Walorski called down Engrossed Senate Bill 201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Espich was excused from voting, pursuant to House Rule 46.

Roll Call 328: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 202

Representative T. Brown called down Engrossed Senate Bill 202 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 329: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 205

Representative Koch called down Engrossed Senate Bill 205 for

third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 330: yeas 71, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 206

Representative Buell called down Engrossed Senate Bill 206 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 331: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 208

Representative T. Brown called down Engrossed Senate Bill 208 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 332: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Deputy Speaker Pro Tempore, Representative T. Brown.

Engrossed Senate Bill 229

Representative Turner called down Engrossed Senate Bill 229 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 333: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 231

Representative Behning called down Engrossed Senate Bill 231 for third reading:

A BILL FOR AN ACT concerning education finance.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 231-2)

Mr. Speaker: I move that Engrossed Senate Bill 231 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, line 13, after "during" insert "2005,".

Page 1, line 13, after "2006" insert ",",.

(Reference is to ESB 231 as reprinted February 17, 2006.)

BEHNING

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 231, begs leave to report that said bill has been amended as directed.

BEHNING

Report adopted.

The question then was, Shall the bill pass?

Roll Call 334: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 234

Representative Wolkins called down Engrossed Senate Bill 234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 335: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 259

Representative Espich called down Engrossed Senate Bill 259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 336: yeas 94, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 260

Representative Espich called down Engrossed Senate Bill 260 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 337: yeas 92, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 264

Representative Duncan called down Engrossed Senate Bill 264 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 338: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 266

Representative T. Brown called down Engrossed Senate Bill 266 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health and human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 339: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 275

Representative Foley called down Engrossed Senate Bill 275 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 340: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 284

Representative T. Brown called down Engrossed Senate Bill 284 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Porter was excused from voting, pursuant to House Rule 46.

Roll Call 341: yeas 86, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 285

Representative Ruppel called down Engrossed Senate Bill 285 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was reread a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 285-3)

Mr. Speaker: I move that Engrossed Senate Bill 285 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 12, line 38, delete "Money from the following sources may be used" and insert "**The fiscal body of a county that establishes a county emergency operations center may use money from any available source**".

Page 12, line 39, delete "a" and insert "**the**".

Page 12, line 42, delete ":" and insert ".".

Page 13, delete lines 1 through 3.

Page 18, delete lines 37 through 42.

Delete pages 19 through 23.

Renumber all SECTIONS consecutively.

(Reference is to ESB 285 as reprinted February 17, 2006.)

RUPPEL

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 285, begs leave to report that said bill has been

amended as directed.

RUPPEL

Report adopted.

The question then was, Shall the bill pass?

Roll Call 342: yeas 25, nays 71. The bill was defeated.

Engrossed Senate Bill 296

Representative Foley called down Engrossed Senate Bill 296 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 343: yeas 90, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 297

Representative Foley called down Engrossed Senate Bill 297 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 344: yeas 76, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 300

Representative Foley called down Engrossed Senate Bill 300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 345: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was excused.

Engrossed Senate Bill 303

Representative Duncan called down Engrossed Senate Bill 303 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 303-3)

Mr. Speaker: I move that Engrossed Senate Bill 303 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert: "SECTION 2. IC 9-23-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A person licensed under this article shall be issued a special event permit from the bureau for a special event meeting the following conditions:

- (1) The event is a vehicle auction conducted by auctioneers licensed under IC 25-6.1-3.
- (2) The vehicles to be auctioned are:
 - (A) at least fifteen (15) years old; or
 - (B) classified as classic, collector, or antique vehicles under rules adopted by the bureau.

(3) At least one hundred (100) vehicles will be auctioned during the special event.

(4) An application for a special event permit has been submitted to the bureau not later than thirty (30) days before the beginning date of the special event.

(5) The application is accompanied by the permit fee required under IC 9-29-8-6.5.

(b) Not more than two (2) special event permits may be issued by the bureau within a twelve (12) month period to the same applicant."

Page 10, between lines 2 and 3, begin a new paragraph and insert: "SECTION 18. IC 9-29-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. The permit fee for a special event permit issued under IC 9-23-2-16 is two hundred fifty dollars (\$250).

SECTION 19. IC 9-29-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. All money collected by the bureau from manufacturers, factory branches, distributors, distributor branches, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer dealers, converter manufacturers, or brokers for licenses and permit fees under IC 9-23-2 shall be credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5."

Page 12, line 4, delete "an:" and insert "a person that holds a special event permit issued under IC 9-23-2-16."

Page 12, delete lines 5 through 6.

Page 12, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 27. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-23-2-16 (a), as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon it by IC 9-23-2-16(a), as added by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.

(b) This SECTION expires the earlier of the following:

- (1) The date rules are adopted under IC 9-23-2-16(a), as added by this act.
- (2) December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 303 as reprinted February 28, 2006.)

DUNCAN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 303, begs leave to report that said bill has been amended as directed.

DUNCAN

Report adopted.

HOUSE MOTION (Amendment 303-4)

Mr. Speaker: I move that Engrossed Senate Bill 303 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-170.3, AS ADDED BY P.L.210-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 170.3. (a) "Special machinery" means a portable saw mill or well drilling machinery.

- (b) "Special machinery", for purposes of IC 9-18-2, means a:
- (1) portable saw mill or well drilling machinery; and
 - (2) vehicle or trailer on which an item described in subdivision (1) is mounted or transported."

Renumber all SECTIONS consecutively.

(Reference is to ESB 303 as reprinted February 28, 2006.)

DUNCAN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 303, begs leave to report that said bill has been amended as directed.

DUNCAN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 346: yeas 66, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 308

Representative T. Brown called down Engrossed Senate Bill 308 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 60

Representative Behning called down Engrossed Senate Bill 60 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 60-4)

Mr. Speaker: I move that Engrossed Senate Bill 60 be amended to read as follows:

Page 8, line 34, delete "14(b)" and insert "**15(b)**".

Page 9, line 37, delete "The" and insert "**Except as provided under federal law (34 CFR 300 et seq.) for students with disabilities, the**".

Page 9, line 42, delete "IC 20-35-8-1 applies to the transfer of a student with a" and insert "**Transportation for a student who has an individualized education program (as defined in IC 20-18-2-9) shall be provided by the school corporation that enrolls the student in accordance with 34 CFR et seq.**".

Page 10, delete line 1.

Page 10, line 26, delete "in IC 20-35-8-2, the student's base" and insert "**under federal law (34 CFR 300 et seq.) for students with disabilities,**".

Page 10, between lines 34 and 35, begin a new paragraph and insert:

"Sec. 13. This section applies to a student in kindergarten through grade 12 who is a child with a disability (as defined in IC 20-35-1-2). The school corporation to which a student transfers is responsible for all costs associated with the student in accordance with federal law (34 CFR 300 et seq.). The school corporation to which the student transfers is eligible to receive federal and state money based on the student's disability to the same extent as if the school corporation to which the student transfers were the student's base school corporation. If the base school corporation receives federal or state money based on the student's disability, the base school corporation shall transfer the money to the school corporation to which the student transferred."

Page 10, line 35, delete "Sec. 13" and insert "**Sec. 14.**".

Page 10, line 35, delete "14(b)" and insert "**15(b)**".

Page 10, line 42, delete "14" and insert "**15**".

Page 11, line 6, delete "13" and insert "**14**".

Page 11, line 10, delete "15." and insert "**16.**".

Page 11, line 13, delete "16." and insert "**17.**".

Page 11, line 17, delete "17." and insert "**18.**".

Page 11, line 19, delete "18." and insert "**19.**".

(Reference is to ESB 60 as printed February 17, 2006.)

THOMPSON

Motion prevailed.

HOUSE MOTION (Amendment 60-2)

Mr. Speaker: I move that Engrossed Senate Bill 60 be amended to read as follows:

Page 8, delete lines 5 through 42, begin a new line block indented and insert:

"(3) The property must not be a vacant lot."

Delete pages 9 through 10.

Page 11, delete lines 1 through 20.

Page 12, delete lines 5 through 12.

Renumber all SECTIONS consecutively.

(Reference is to ESB 60 as printed February 17, 2006.)

V. SMITH

After discussion, Representative V. Smith withdrew the motion. The bill was ordered engrossed.

Engrossed Senate Bill 35

Representative Wolkins called down Engrossed Senate Bill 35 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 35-2)

Mr. Speaker: I move that Engrossed Senate Bill 35 be amended to read as follows:

Page 2, line 8, after "governed" insert "**for at least three (3) years after the person applies for the permit**".

Page 2, line 19, delete ":".

Page 2, delete lines 20 through 22.

Page 2, line 23, delete "(2)".

Page 2, run in lines 19 through 23.

Page 2, line 24, delete "ten (10)" and insert "**seven (7)**".

Page 3, line 9, after "governed" insert "**for at least three (3) years after the person applies for the permit**".

Page 3, line 21, delete ":".

Page 3, delete lines 22 through 24.

Page 3, line 25, delete "(2)".

Page 3, run in lines 21 through 25.

Page 3, line 26, delete "ten (10)" and insert "**seven (7)**".

Page 3, between lines 31 and 32, begin a new paragraph and insert: "**(g) This section does not apply to building codes under IC 22-13.**"

(Reference is to ESB 35 as printed February 24, 2006.)

HINKLE

Motion prevailed.

HOUSE MOTION (Amendment 35-1)

Mr. Speaker: I move that Engrossed Senate Bill 35 be amended to read as follows:

Page 3, between lines 31 and 32, begin a new paragraph and insert: "**SECTION 2. IC 36-7-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The legislative body of a county having a county department of buildings or joint city-county building department may, by ordinance, adopt building, heating, ventilating, air conditioning, electrical, plumbing, and sanitation standards for unincorporated areas of the county. These standards take effect only on the legislative body's receipt of written approval from the fire prevention and building safety commission.**"

(b) Except as provided in subsection (d), an ordinance adopted under this section must be based on occupancy, and it applies to:

(1) the construction, alteration, equipment, use, occupancy, location, and maintenance of buildings, structures, and appurtenances that are on land or over water and are:

(A) erected after the ordinance takes effect; and

(B) if expressly provided by the ordinance, existing when the ordinance takes effect;

(2) conversions of buildings and structures, or parts of them, from one occupancy classification to another; and

(3) the movement or demolition of buildings, structures, and equipment for the operation of buildings and structures.

(c) The rules of the fire prevention and building safety commission are the minimum standards upon which ordinances adopted under this section must be based.

(d) An ordinance adopted under this section does not apply to a private home that is built by an individual and used for the individual's own occupancy. A private home consists of:

(1) a house; and

(2) any accessory building or structure:

(A) attached to the house or located on the same lot as the house; and

(B) used incidentally to the house.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 35 as printed February 24, 2006.)

THOMPSON

Representative Orentlicher rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Thompson withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 27

Representative Stutzman called down Engrossed Senate Bill 27 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 27-3)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 13, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 24. IC 7.1-3-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The holder of a beer dealer's permit shall be entitled to purchase beer for sale under the permit only from a permittee entitled to sell to a beer dealer under this title.

(b) A beer dealer shall be entitled to possess beer and sell it at retail to a customer in permissible containers only.

(c) A beer dealer may not sell beer by the drink nor for consumption on the licensed premises nor shall a beer dealer allow it to be consumed on the licensed premises.

(d) Except as provided in subsection (e), a beer dealer shall be entitled to sell beer to a customer **in a designated area separated from the area where nonalcoholic retail merchandise is sold**, and to deliver it in permissible containers to the customer on the licensed premises, or to the customer's residence or office. **A minor may not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age.** A beer dealer shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall a beer dealer be entitled to sell beer at a place other than the licensed premises. A beer dealer shall not be entitled to sell beer and deliver beer for carry-out, or for delivery to a customer's residence or office, in a quantity that exceeds eight hundred sixty-four (864) ounces in a single transaction. However, notwithstanding IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer for carry-out, or for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(e) Unless a beer dealer is a grocery store or drug store, a beer dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a patron who is outside the licensed premises."

Page 14, between lines 1 and 2, begin a new paragraph and insert: "SECTION 27. IC 7.1-3-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from

a permittee entitled to sell to a liquor dealer under this title.

(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package, **in a designated area separated from the area where nonalcoholic retail merchandise is sold**, to a customer only for consumption off the licensed premises. **A minor may not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age.**

(c) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(d) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises."

Page 14, delete lines 2 through 28.

Page 15, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 30. IC 7.1-3-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The holder of a wine dealer's permit shall be entitled to purchase wine only from a permittee who is authorized to sell to a wine dealer under this title. A wine dealer shall be entitled to sell wine, **in a designated area separated from the area where nonalcoholic retail merchandise is sold**, for consumption off the licensed premises only and not by the drink. **A minor may not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age.**

(b) A wine dealer shall be entitled to sell wine in permissible containers in a quantity of not more than three (3) standard cases, as determined under the rules of the commission, in a single transaction. However, a wine dealer who is licensed under IC 7.1-3-10-4 may possess wine and sell it at retail in its original package to a customer only for consumption off the licensed premises.

(c) Unless a wine dealer is a grocery store or drug store, a wine dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A wine dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a person who is outside the licensed premises.

(d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may deliver wine only in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold."

Renumber all SECTIONS consecutively.

(Reference is to ESB 27 as printed February 24, 2006.)

BURTON

Upon request of Representatives Burton and Friend, the Speaker ordered the roll of the House to be called. Representative Murphy was excused from voting, pursuant to House Rule 46. Roll Call 347: yeas 49, nays 45. Motion prevailed.

HOUSE MOTION
(Amendment 27-1)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 2. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18.5. (a) "Grocery store" means a store or a part of a store that:**

- (1) has the primary North American Industry Classification System (NAICS) classification 445110 or 452910; and**
- (2) is primarily engaged in the retail sale of a general food line, which may include:**

- (A) canned and frozen foods;**
- (B) dry goods, including tea, coffee, sugar, and flour;**
- (C) fresh fruits and vegetables; and**
- (D) fresh and prepared meats.**

(b) The term does not include a store that has less than two hundred fifty thousand dollars (\$250,000) in annual gross sales of food, excluding the following:

- (1) Candy, confectionaries, and chewing gum.**
- (2) Alcoholic beverages.**
- (3) Cocktail mixers.**
- (4) Soft drinks, sodas, and other similar beverages.**
- (5) Medicines, tonics, vitamins, and other dietary supplements.**
- (6) Water (except natural spring water), mineral water, carbonated water, and ice.**
- (7) Pet food.**
- (8) Food furnished, prepared, or served for consumption at a location, or on equipment, provided by the retail merchant.**
- (9) Meals served by a retail merchant off the merchant's premises.**
- (10) Food sold by a retail merchant who ordinarily bags, wraps, or packages the food for immediate consumption on or near the merchant's premises, including food sold on a "take out" or "to go" basis.**
- (11) Food sold through a vending machine.**
- (12) Tobacco products."**

Page 22, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 43. [EFFECTIVE JULY 1, 2006] Notwithstanding IC 7.1-1-3-18.5, as added by this act, the alcohol and tobacco commission may not deny renewal or transferral of ownership of a beer dealer's permit for a beer dealer who:

- (1) held a permit before July 1, 2006; and**
- (2) does not qualify for a permit as a grocery store under the definition set forth in IC 7.1-1-3-18.5, as added by this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 27 as printed February 24, 2006.)

BURTON

Motion failed.

HOUSE MOTION
(Amendment 27-5)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 3, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 4. IC 7.1-2-4-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 24. A local board shall allow all individuals attending a public local board meeting or hearing to make oral comments at the meeting or hearing regarding the subject of the meeting or hearing. However, a local board may set a reasonable limit on the amount of time allowed to each individual to provide oral comment."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 27 as printed February 24, 2006.)

CROOKS

Motion prevailed.

HOUSE MOTION
(Amendment 27-8)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 1, line 6, after "title." begin a new paragraph and insert:
"**(c)**".

Page 1, line 6, reset in roman "The provisions of this title shall be liberally".

Page 1, reset in roman line 7.

Page 1, line 8, delete "(c)" and insert "**(d)**".

Page 1, line 10, delete "(d)" and insert "**(e)**".

Page 1, line 10, after "title" insert "**allowing for an exception to the three (3) tier system of alcohol beverage distribution in which the exception allows for a direct transaction between a primary source of supply and a consumer or between a primary source of supply and a retailer or dealer**".

Page 1, line 12, delete "the affected chapter" and insert "**this title**".

Page 1, line 14, delete "commerce in alcoholic" and insert "**exceptions to the three (3) tier system of alcoholic beverage distribution; and**".

Page 1, delete line 15.

Page 18, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 33. IC 7.1-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) The commission shall not issue**

~~(1) an alcoholic beverage retailer's or dealer's permit of any type; or~~

~~(2) a wine wholesaler's or liquor wholesaler's permit~~

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

(b) The commission shall not issue a beer wholesaler's permit to a person who has not been a continuous and bona fide resident of Indiana for one (1) year.

SECTION 34. IC 7.1-3-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. The commission shall not issue an alcoholic beverage wholesaler's ~~retailer's, or dealer's~~ permit of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual applicant for that particular type of permit.**

SECTION 35. IC 7.1-3-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5. (a) The commission shall not issue**

~~(1) an alcoholic beverage retailer's or dealer's permit of any type; or~~

~~(2) a wine wholesaler's or liquor wholesaler's permit~~

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a beer wholesaler's permit to a corporation unless at least sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.

(c) The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.

(d) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 36. IC 7.1-3-21-5.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5.2. (a) The commission shall not issue**

~~(1) an alcoholic beverage retailer's or dealer's permit of any type; or~~

~~(2) a wine wholesaler's or liquor wholesaler's permit~~

to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a beer wholesaler's permit to a limited partnership unless at least sixty percent (60%) of the

partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.

(c) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.

(d) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 37. IC 7.1-3-21-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.4. (a) The commission shall not issue

~~(1) an alcoholic beverage retailer's or dealer's permit of any type; or~~

~~(2) a wine wholesaler's or liquor wholesaler's permit~~

to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a beer wholesaler's permit to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.

(c) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in which the licensed premises are to be situated.

(d) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit."

Page 20, line 14, delete "It" and insert "Except as provided in subsection (c), it".

Page 20, line 19, delete "It" and insert "Except as provided in subsection (c), it".

Page 20, between lines 24 and 25, begin a new paragraph and insert:

"(c) A purchaser of alcoholic beverages may ring up or otherwise record an alcoholic beverage sale by using a self-scanner in a:

(1) package liquor store;

(2) drug store; or

(3) grocery store;

if a sales clerk checks the identification of the purchaser to ensure the purchaser is at least twenty-one (21) years of age."

Page 21, line 5, delete "IC 7.1-3-21-3; IC 7.1-3-21-4;".

Page 21, line 6, delete "IC 7.1-3-21-5; IC 7.1-3-21-5.2; IC 7.1-3-21-5.4;".

Renumber all SECTIONS consecutively.

(Reference is to ESB 27 as printed February 24, 2006.)

WHETSTONE

Motion prevailed. The bill was ordered engrossed.

Representative Bauer, who had been excused, was present.

Engrossed Senate Bill 1

Representative Buck called down Engrossed Senate Bill 1 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1-1)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 7, line 3, after "city." insert "If a member serving under this subdivision ceases to be a township trustee, the new township trustee becomes a member of the board in place of the previous township trustee."

Page 8, between lines 12 and 13, begin a new line block indented and insert:

"(3) The board shall approve all equipment purchases of more than fifty thousand dollars (\$50,000) for the consolidated fire department and all facility purchases for the consolidated fire department.

(4) The board shall nominate two (2) candidates for fire chief of the consolidated fire department. The mayor shall nominate a candidate for fire chief of the consolidated fire department. The board shall review the nominations and provide any comments concerning the nominations to the mayor. The mayor shall select a fire chief from the nominated candidates."

Page 8, line 13, delete "(3)" and insert "(5)".

Page 8, line 23, delete "(4)" and insert "(6)".

Page 8, delete lines 26 through 30.

Page 9, line 2, delete "revert" and insert "are transferred to".

Page 9, line 2, delete "government body or".

Page 9, line 3, after "responsibility" insert "for the fire department of the consolidated city".

Page 10, line 9, after "Township" insert ".".

Page 10, line 9, delete "and" and insert "the Emergency Services Education Center and any debt related to the Emergency Services Education Center".

Page 10, line 18, after "2008" delete "." and insert ", or a later effective date of the consolidation as authorized under subsection (e). However, an employee may not become an employee of the consolidated fire department under this subsection unless the employee has completed a criminal history background check."

Page 18, line 3, delete "The" and insert "Subject to subsection (f), the".

Page 18, line 19, delete "The" and insert "Subject to subsection (f), the".

Page 18, between lines 29 and 30, begin a new paragraph and insert:

"(f) This subsection applies only during the first four (4) calendar years that the taxing district levies a property tax under this section. Notwithstanding any other statute, the total property tax rate imposed by the taxing district for a year in those parts of the taxing district that are within a particular township, but not within the boundaries of the fire special service district, may not exceed the total property tax rate imposed by the township (and a fire protection territory in the township) for fire protection services (including property taxes imposed for debt related to fire protection services) in the year preceding the year in which the taxing district first levies a property tax under this section."

Page 18, line 30, delete "(f)" and insert "(g)".

Page 18, line 33, delete "county auditor" and insert "controller of the consolidated city".

Page 18, line 35, delete "The county auditor may".

Page 18, delete lines 36 through 37.

Page 18, line 38, delete "(g)" and insert "(h)".

Page 19, line 2, delete "(h)" and insert "(i)".

Page 19, line 13, delete "(i)" and insert "(j)".

Page 19, line 14, delete "by the consolidated city".

Page 20, line 1, delete "(j)" and insert "(k)".

Page 20, line 2, delete "by the consolidated city".

Page 20, line 8, delete "(i)(1)" and insert "(j)(1)".

Page 20, line 12, delete "(i)(2)" and insert "(j)(2)".

Page 20, line 16, delete "(i)(3)" and insert "(j)(3)".

Page 20, between lines 16 and 17, begin a new paragraph and insert:

"(l) The maximum levy for a consolidated city is increased for property taxes first due and payable in the year that property taxes are first imposed under this section and each subsequent calendar year by an amount equal to the lesser of:

(1) the difference between:

(A) the maximum levy for the current year for the consolidated city's fire special service district created under IC 36-3-1-6; and

(B) the amount levied for the current year for the fire special service district; or

(2) ten percent (10%) of the maximum levy for the consolidated city's fire special service district created under IC 36-3-1-6 for property taxes first due and payable in the year that property taxes are first imposed under this section."

Page 20, line 35, after "process." insert "Ranks achieved after the passage of Senate Enrolled Act 1 of the 2006 regular session of

the general assembly may be reviewed by the merit board to determine if those ranks were achieved through a bona fide merit process."

Page 21, line 1, after "consolidation" delete "." and insert ", except as negotiated in an agreement between the consolidated city and the bargaining unit representing firefighters."

Page 21, line 12, after "2006." insert "This section applies to all political subdivisions in Marion County."

Page 24, line 22, delete ", who shall serve as the board" and insert ".".

Page 24, delete line 23.

Page 24, line 26, delete "One (1) member" and insert "**Two (2) members, who must represent different political parties.**"

(Reference is to ESB 1 as printed February 24, 2006.)

BUCK

Upon request of Representatives Buck and Friend, the Speaker ordered the roll of the House to be called. Roll Call 348: yeas 99, nays 0. Motion prevailed.

HOUSE MOTION (Amendment 1-4)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 7, line 8, after "chairperson" delete "." and insert "**from among the township trustees serving on the board.**"

Page 7, line 17, after "city." insert "**The board must hold hearings in every township in the county before adopting the transition plan.**"

Page 7, line 21, after "plan" delete ";" and insert "**as submitted by the board or as amended by the legislative body after the plan is submitted by the board;**"

Page 7, line 34, after "city." insert "**If the legislative body prepares the transition plan under this subsection, the legislative body must hold hearings in every township in the county before adopting the transition plan.**"

Page 8, line 5, delete "has" and insert "**and the executive of the consolidated city have**"

Page 8, line 8, after "closings" insert "**in areas formerly served by township fire departments;**"

Page 8, line 8, delete "and equipment relocations;"

Page 8, between lines 10 and 11, begin a new line block indented and insert:

"The board is not authorized to approve station closings within the fire special service district. The executive of the consolidated city shall approve all station closings within the fire special service district and all equipment locations and relocations."

Page 8, line 11, delete "board" and insert "**executive of the consolidated city**"

Page 8, line 23, delete "The board shall conduct budget hearings and submit" and insert "**The controller of the consolidated city shall prepare**"

Page 8, line 24, after "department" insert ". **After review and any modifications by the board, the controller shall submit the budget proposal**"

Page 8, line 26, delete "board" and insert "**executive of the consolidated city**"

Page 8, between lines 41 and 42, begin a new line block indented and insert:

"(11) The board shall nominate ranking officers who shall be in charge of territory formerly served by township fire departments.

(12) The board shall review and approve the annual capital plan of the consolidated fire department. However, the annual capital plan of the consolidated fire department is subject to approval of the legislative body of the consolidated city as part of the consolidated city's budget.

(13) The board shall study ISO ratings throughout the county.

(14) The legislative body of the consolidated city shall include funding in the consolidated city's budget that shall be used by the board to coordinate community outreach and community education plans and programs throughout the

county.

(15) The board shall appoint an executive director who shall report directly to the chief of the consolidated fire department. The executive director must be a person who was employed by a township fire department on the effective date of this section."

Page 9, line 42, delete "However, if a".

Page 10, delete lines 1 through 5.

Page 10, line 6, delete "rainy day".

Page 10, line 33, reset in roman "remain the debt of the entity and".

Page 10, line 34, reset in roman "does not become and may not".

Page 10, line 34, delete ", deceased, paid, or".

Page 10, line 35, delete "refunded".

Page 10, line 35, delete "and may be paid from property" and insert ".".

Page 10, delete lines 36 through 42.

Page 11, delete lines 1 through 11.

Page 11, line 12, delete "agreements, and liabilities."

Page 15, line 37, delete "rainy day".

Page 16, line 10, delete "Except as provided in subsection (h), the" and insert "**The**".

Page 16, line 11, after "shall" insert "**not**".

Page 16, delete lines 19 through 39.

Page 16, line 40, delete "(j)" and insert "**(g)**".

Page 17, line 9, delete "(k)" and insert "**(h)**".

Page 17, line 15, delete "(l)" and insert "**(i)**".

Page 17, line 25, delete "(m)" and insert "**(j)**".

Page 18, line 20, delete "the following:"

Page 18, delete lines 21 through 22.

Page 18, line 23, delete "(2) Any" and insert "**any**".

Page 18, run in lines 20 through 23.

(Reference is to ESB 1 as printed February 24, 2006.)

MAHERN

Upon request of Representatives Mahern and Orentlicher, the Speaker ordered the roll of the House to be called. Roll Call 349: yeas 47, nays 50. Motion failed.

HOUSE MOTION (Amendment 1-2)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 5, line 9, delete "2008." and insert "**2007.**"

Page 7, delete lines 4 through 6, begin a new line block indented and insert:

"(3) The four (4) members of the legislative body of the consolidated city who are elected on an at-large basis.

(4) The president of the legislative body of the consolidated city or, if the president of the legislative body of the consolidated city is elected on an at-large basis, a member of the legislative body appointed by the president of the legislative body."

Page 7, line 20, delete "2008," and insert "**2007.**"

Page 7, line 26, delete "2008." and insert "**2007.**"

Page 7, line 28, delete "August 1, 2007," and insert "**October 1, 2006.**"

Page 7, line 31, delete "August" and insert "**October 1, 2006.**"

Page 7, line 32, delete "1, 2007,"

Page 7, line 35, delete "2008," and insert "**2007.**"

Page 7, line 41, delete "2008." and insert "**2007.**"

Page 8, line 1, delete "2007," and insert "**2006.**"

Page 8, line 1, delete "2008," and insert "**2007.**"

Page 8, line 4, delete "2008," and insert "**2007.**"

Page 8, line 15, delete "2010;" and insert "**2009;**"

Page 8, line 42, delete "2010." and insert "**2009.**"

Page 9, line 13, delete "2008." and insert "**2007.**"

Page 9, line 27, delete "2008." and insert "**2007.**"

Page 9, line 34, delete "2008," and insert "**2007.**"

Page 9, line 42, delete "2008." and insert "**2007.**"

Page 10, line 2, delete "2008," and insert "**2007.**"

Page 10, line 18, delete "2008." and insert "**2007.**"

Page 17, line 27, delete "2010," and insert "**2009.**"

Page 18, line 40, delete "2008," and insert "**2007.**"

Page 23, line 25, delete "2008." and insert "**2007.**"

(Reference is to ESB 1 as printed February 24, 2006.)

ORENTLICHER

After discussion, Representative Orentlicher withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Resolution 39

Representative V. Smith introduced House Resolution 39:

A HOUSE RESOLUTION urging the establishment of an interim study committee on rate disparity by utility companies.

Whereas, With prices of oil and natural gas climbing, consumers can also expect to see their bills climb;

Whereas, In this time of increased oil, natural gas, and electricity prices, it is vital that utility companies charge all customers fairly; and

Whereas, It behooves the state of Indiana to investigate any disparity in rates to ensure that all Hoosiers are being treated fairly: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study rate disparity by utility companies.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 12 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Long, Chair; and Mrvan

Advisors: Wyss and Lanane

MARY C. MENDEL

Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 2, 2006 at 9:00 a.m.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be removed as coauthor of House Bill 1118.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Whetstone be added as cosponsor of Engrossed Senate Bill 27.

STUTZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be removed as cosponsor of Engrossed Senate Bill 160.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 160.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 192.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Harris be added as cosponsor of Engrossed Senate Bill 229.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 275.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanHaften be added as cosponsor of Engrossed Senate Bill 338.

FRIZZELL

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Hoffman, the House adjourned at 6:30 p.m., this first day of March, 2006, until Thursday, March 2, 2006, at 9:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives